



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, August 14, 2013

7:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris,
Rev. Anthony Coleman, Jim King, and Philip M. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor R. Steve Tumlin called the meeting to order at 7:03 p.m.

INVOCATION:

Mayor Tumlin called upon Council member Goldstein to give the invocation.

PLEDGE OF ALLEGIANCE:

Council member Goldstein called upon members of the Boy Scout Troop 287 to lead the pledge of allegiance.

PRESENTATIONS:

20130804 Marietta High School Football Team

Marietta celebrates the opening of Marietta City Schools, the introduction of the 2013 Seniors of the Marietta Blue Devils football team and Coach Scott Burton and his coaching staff.

Introduction Made

20130864 Vision 20/20 Update

Mr. Kee Carlisle gives an update on Vision 20/20.

Presented

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE
MAYOR, COUNCIL AND/OR CITY MANAGER:**

The City Manager announced that the fireworks display rescheduled from July 4 will be held on Saturday, September 21, 2013 at 9 pm, after the Museum of History 22nd annual Marietta Streetfest.

Mayor Tumlin announced that the Live Well Marietta campaign, sponsored by the City of Marietta and WellStar, will begin at the Marietta Square Farmers Market September 7, 2013. The program was created to provide a community wellness initiative for the citizens who live and work in Marietta.

Council member Morris mentioned the appointment of Brian Torras to the Board of Lights and Water, which was later added to the consent agenda.

Council member Coleman reminded everyone about the Career Expo will be held Wednesday, September 11, 2013 from 10 - 2 at the Cobb County Civic Center.

SCHEDULED APPEARANCES:**20130846 Scheduled Appearance - Leah Beltz**

Leah Beltz of 1465 Roswell Road, Marietta, GA, Ward 7.

A brief discussion was held relative to the Business License Ordinance, Transient Vendors and Temporary Businesses. Staff was directed to add an item to the Judicial / Legislative Committee agenda for further discussion.

Present

UNSCHEDULED APPEARANCES:

Don Goodner, representing the Young Actors Playhouse, spoke regarding upcoming performances on the Square.

As Mr. Goodner was speaking, Council member Goldstein stepped down from the dais. Council member Goldstein has previously disclosed that he owns the properties formerly occupied by and leased to Theatre in the Square. The property is now occupied by the Young Actors Playhouse.

Mrs. Deane Bonner, president of the Cobb NAACP, and Mr. Perry Price spoke regarding proposed improvements to the Lawrence Street Recreation Center.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Pro tem Andy Morris called upon Council member Johnny Sinclair to preside over this portion of the meeting. Council member Sinclair briefly explained the consent agenda process.

-under City Council Appointments: Agenda item 20130526, Board of Lights and Water appointment, was added to the consent agenda with the name Brian Torras.

-under Ordinances: Agenda item 201200390, rezoning request related to 925 Industrial Park Drive, was removed from the consent agenda. Agenda item 20130576, amendment to the Comprehensive Development Code, should show Council member Coleman opposed.

-under Judicial/Legislative: Agenda item 201300791, Precinct Boundary Amendment, should show that a Public Hearing will held. Agenda item 20130331, Digital Billboards, should show Council member Goldstein opposed.

-under Parks, Recreation and Tourism: Agenda item 20130808, Lawrence Street Recreation Center Renovation, was removed from the consent agenda.

-under Other Business: Agenda items 20130853, State Properties Commission Revocable License Agreement, should show Council member Goldstein abstaining and note the disclosure previously submitted. Agenda item 20130875, MEAG Power Excess Base Sale, was added to the consent agenda.

City Attorney Doug Haynie opened the public hearing for those items on the consent agenda requiring a public hearing. Seeing no one wishing to speak the public hearing was closed.

A motion was made by Council member King, seconded by Council member Lewis, to approve the consent agenda as modified. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved

with the following exceptions:

-Council member Coleman opposed to agenda item 20130576.

-Council member Goldstein opposed to agenda item 20130331 and abstaining on agenda item 20130853.

MINUTES:*** 20130820 Regular Meeting - July 10, 2013**

Review and approval of the July 10, 2013 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

*** 20130821 Special Meeting - July 25, 2013**

Review and approval of the July 25, 2013 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:***** 20130848 Board of Zoning Appeals Appointment**

Appointment of David Hunter to the Board of Zoning Appeals (Ward 4) for a three (3) year term expiring August 14, 2016.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

*** 20130863 Planning Commission Appointment**

Appointment of Roy Vanderslice to the Planning Commission (Ward 4) for a three (3) year term expiring August 14, 2016.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

*** 20130876 Planning Commission Appointment**

Appointment of Hicks Poor to the Planning Commission (Ward 3) for a three (3) year term expiring August 14, 2016.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* **20130526 Board of Lights and Water Appointment**

Appointment to the Board of Lights and Water (non-resident member), for a four (4) year term expiring August 14, 2017.

Appointment of Brian Torras to the Board of Lights and Water (non-resident member), for a four (4) year term expiring August 14, 2017.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

ORDINANCES:

20130390 Z2013-16 Ray L. Beaty 925 Industrial Park Drive

Z2013-16 [SPECIAL LAND USE PERMIT] RAY L. BEATY requests a Special Land Use Permit for a computer and electronics recycling facility for property located in Land Lot 09990, District 16, Parcel 0260, 2nd Section, Marietta, Cobb County, Georgia and being known as 925 Industrial Park Drive, currently zoned HI (Heavy Industrial).

City Attorney Doug Haynie opened the public hearing and explained the rules of order. Mr. Haynie also swore in those wishing to speak.

Development Services Director Brian Binzer presented information regarding the Special Land Use Permit request to operate a computer and electronics recycling facility on the property. Mr. Binzer also summarized the criteria for which a Special Land Use Permit should be considered.

Ray Beaty requested approval of the Special Land Use Permit to add an addition to the existing warehouse to accommodate the recycling facility. Mr. Beaty mentioned that there would be no outside storage located on the property and submitted a letter of stipulations from the owner.

Earl Smith, owner of a neighboring property, expressed lingering concerns regarding the proposed recycling facility and the adverse effects on the environment. Mr. Smith also presented a letter he received, from an unknown source, related to a notice sent to the company from the Environmental Protection Division (EPD).

Discussion was held by Council.

A motion was made by Council member Sinclair to Deny the Special Land Use Permit for property at 925 Industrial Park Drive.

Council member King asked Mr. Binzer to review again the criteria for which a Special Land Use Permit should be considered.

The public hearing was closed.

The motion was made by Council member Sinclair, seconded by Council member Coleman, that this matter be Denied. The motion carried by the following vote:

Vote: 7 - 0 - 0

Denied

20130681

Z2013-18 David J. Broel 70 Beavers Street

Z2013-18 [REZONING] DAVID J. BROEL requests rezoning for property located in Land Lot 12130, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 70 Beavers Street from R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Ward 5.

City Attorney Doug Haynie opened the public hearing and explained the rules of order. Mr. Haynie swore in those wishing to speak.

David Broel, owner and applicant, requested rezoning for property located at 70 Beaver Street from R-4 (Single Family Residential) to CRC (Community Retail Commercial) for future growth and expansion of his business. Mr. Broel purchased 843 Washington Avenue, 861 Washington Avenue, and 70 Beavers Street in order to expand the floral business which was previously located at Commerce Park Drive. The long-term goal would be to add office and retail space to serve walk-in customers.

Discussion was held regarding the design and elevation of the building addition. Staff also mentioned that if the parcels are combined, the applicant would have to comply with the requirements of the Overlay District along Roswell Street.

The applicant requested that this matter be tabled to determine what restrictions would be placed on the proposed development as part of the Overlay District.

The public hearing was closed.

A motion was made by Council member King, seconded by Council member Lewis, that this matter be Tabled. The motion carried by the following vote:

Vote: 7 – 0 – 0

Tabled

20130732

Z2013-19 Elliott Hollander 879 Polk Street, 900 Burnt Hickory Road, 920 Burnt Hickory Road, 941 Polk Street

[Ord 7672](#)

Z2013-19 [REZONING] ELLIOTT HOLLANDER requests rezoning for property located in Land Lot 12240, District 16, Parcel 0340 (879 Polk Street), Parcel 0410 (900 Burnt Hickory Road) and Parcel 0190 (920 Burnt Hickory Road); and in Land Lot 03230, District 20, Parcel 0450 (941 Polk Street), 2nd Section, Marietta, Cobb County, Georgia from CRC (Community Retail Commercial), R1 (Single Family Residential/Agriculture (1 unit/acre), and OI (Office Institutional) to OI (Office Institutional) with variances and stipulations.

City Attorney Doug Haynie opened the public hearing and explained the rules of order. Mr. Haynie swore in those wishing to speak.

Brian Binzer, Development Services Director, presented information regarding the request to rezone property located at 879 Polk Street, 900 Burnt Hickory Road and 920 Burnt Hickory Road; and 941 Polk Street, from CRC (Community Retail Commercial), R1 (Single Family Residential/Agriculture (1 unit/acre), RA 8 (Single Family Residential –Attached and OI (Office Institutional) to OI (Office Institutional). Mr. Binzer also submitted a revised ordinance and letter of stipulations that the applicant felt would address the concerns of the surrounding residents.

The applicant, Elliott Hollander, mentioned that the property assemblage near the intersection of Burnt Hickory Road and Whitlock Avenue is currently under contract with the intention of developing an assisted living community. Mr. Hollander submitted drawings that showed the architectural elevations of the 90 unit assisted living facility. Bill Foley, Architect and Planner, was also present to answer questions regarding the design of the building and materials to be used.

Barbara Norton, who lives on Polk Street, expressed concern regarding the increased traffic the facility would generate. Terry Lee, President of the Mountain View Townhomes Homeowners Association, mentioned that the HOA has worked with the applicant to address the concerns of the townhome residents. Mr. Lee wanted to make sure that the facility would be built according to the renderings presented.

Discussion was held by Council.

The public hearing was closed.

Motion to approve the ordinance rezoning the subject property from OI (Office Institutional), R-1 (Single Family Residential/Agriculture 1 unit/acre), RA-8 (Single Family Residential—Attached) and CRC (Community Retail Commercial) to OI (Office Institutional), with the following variances are incorporated as a condition of zoning:

- 1. Variance to allow the buffer along the eastern property line adjacent to Mountain View Townhomes to be disturbed and replanted according to the Conceptual Buffer Planting Plan dated March 13, 2008. (This variance shall be subject to the conditions listed in stipulation #11 below.)*
- 2. Variance to allow a black vinyl coated chain link fence to be installed within the required 30 foot buffer adjacent to the Mountain View Townhomes, instead of a permanent wall or solid fence, as required by Section 710.05(D).*
- 3. Variance to reduce the rear yard setback against 875 & 931 Polk Street from 35' to 20.'*
- 4. Variance to allow an accessory structure to be closer to the road than the principal building.*
- 5. Variance to increase the allowable number of beds from 79 beds to 92 beds.*

6. *Variance to replace the setbacks specified under the Commercial Corridor Design Overlay – Tier B with the underlying zoning district's setback requirements.*
7. *Variance to waive the building design elements (optional and mandatory) of the Commercial Corridor Design Overlay.*

The following stipulations were also incorporated as a condition of zoning:

1. *The properties at 900 Burnt Hickory Road, 910 Burnt Hickory Road, 920 Burnt Hickory Road, 928 Burnt Hickory Road, 879 Polk Street & 941 Polk Street, and totaling 3.9 acres (+/-) are to be rezoned from R-1, CRC, and OI, with stipulations, to OI with stipulations.*
2. *Rezoning approval is conditioned upon and subject to the plan prepared by Foley Design Associates Architects, Inc dated June 25, 2013. Any changes to the plan shall require approval by the Marietta City Council and posting notice on the property.*
3. *Subject Property shall be developed and used for an Assisted Living Facility, providing for the care of assisted living, Alzheimer's, and dementia residents. The development shall be site plan specific and all other permitted uses under the OI classification are eliminated. Further, applicant agrees that the proposed assisted-living facility shall be licensed by the state of Georgia under the rules and regulations thereof.*
4. *Waiver to allow for the proposed assisted-living facility to contain a maximum of 92 beds.*
5. *Applicant agrees that as soon as reasonable after acquisition of the Subject Property to remove any existing construction debris or other felled trees from subject property.*
6. *Applicant agrees to limit construction hours to 7am - 7pm Monday - Saturday.*
7. *In the event on-site detention is required, applicant agrees to attractively landscape and fence the stormwater detention facility; and such landscaping and fencing shall be maintained by the applicant.*
8. *Applicant agrees to the dedication of right-of-way to the City of Marietta per the comments and recommendations received from the City of Marietta Public Works Department with respect to Burnt Hickory Road. Further, Applicant agrees to the installation of road improvements (acceleration, deceleration lanes and sidewalks) also included within the comments and recommendations for the City of Marietta Public Works Department.*
9. *Applicant agrees that the proposed assisted-living facility shall be built consistent with the architectural elevations dated 8/13/13, the rendering dated 8/14/13, and initialed by the applicant and parties of the applicant, and which were submitted to the City of Marietta as part of this Rezoning Application. The building exteriors finishes on the rear of the building will incorporate similar architectural themes and materials, but may not include the identical level of cosmetic embellishments as found on front of building.*
10. *Exterior materials for the proposed building shall consist of a combination of brick and hardi-plank type siding on all four sides. The front of the building (south and west facing sides) may include additional cosmetic upgrades, which may include, but not be limited to, stone, stucco, and wood materials.*

11. *The applicant shall establish a 30-foot buffer on the east side of the property between the new facility and Mountain View Townhomes. As agreed upon verbally on 8/12/2013 by Applicant and the Mountain View Townhomes HOA Board of Directors, a black vinyl coated chain link fence is to be installed by Developer no less than 10' from Mountain View Townhomes property line (except that the location of the fence may be adjusted to save trees), and planted with appropriate landscape foliage on both sides. All trees except dead trees will be retained. Developer will identify scrub foliage, and after approval of Mountain View Townhomes HOA Board of Directors, will remove that foliage and replant with new approved plantings. Approved plantings shall be defined as those which at a minimum match (and may exceed) species included in the March 13, 2008 conceptual buffer plan for Sunrise Senior Living & and 900 Burnt Hickory Investors, LLC. This plan included Holly trees (Nellie R Stevens) and Cryptomeria.*
12. *There shall be no future encroachment into the buffers.*
13. *Dumpsters shall be adequately screened with fencing to the maximum height allowed (8 ft.), and trash shall be picked up between the hours of 7am and 9pm. Dumpsters shall be located no closer to the Mountain View Townhomes than shown on the approved plan.*
14. *There shall be no parking on the east side of the building.*
15. *The number of parking spaces on the site shall be limited to a maximum of 48, unless approved by City Council.*
16. *The roof shingles shall be dimensional or architectural shingles.*

The motion was made by Council member Morris, seconded by Council member Goldstein, that this matter be Approved as Amended. The motion carried by the following vote:

Vote: 7 - 0 - 0

Approved as Amended

20130733

Z2013-20 Keith Crystal 140 Dodd Street

Z2013-20 [SPECIAL LAND USE PERMIT] KEITH CRISTAL requests rezoning for property located in Land Lot 12370, District 16, Parcel 0450, 2nd Section, Marietta, Cobb County, Georgia and being known as 140 Dodd Street from CRC (Community Retail Commercial) to LI (Light Industrial), with a Special Land Use Permit (SLUP) for an auto storage yard and wrecker service. Ward 7.

Councilman Goldstein disclosed that he is the Manager of Marietta Shopping Center, LLC (and owner) which is a Landlord to Keith Crystal and is a General Partner of Herbert S. Goldstein Family Limited Partnership (and partial owner) which is a Landlord to Keith Crystal.

To Councilman Goldstein's understanding, Keith Crystal is a member and an owner of Your Final Notice, LLC (proposed business at the site) and the applicant. Councilman Goldstein has no financial interest in the property at 140 Dodd Street that is the subject of the rezoning, etc...

Development Services Director Brian Binzer commented that it was the desire of the applicant and owner to table this matter.

A motion was made by Council member Goldstein, seconded by Council member King, that this matter be Tabled. The motion carried by the following vote:

Vote: 7 - 0 - 0

Tabled

* 20130734

Z2013-21 Rose Driskell, Trustee of the W. G. Driskell Marital Trust

[Ord 7675](#)

Z2013-21 [REZONING] ROSE DRISKELL, TRUSTEE OF THE W. G. DRISKELL MARITAL TRUST, requests rezoning for property located in Land Lot 02900, District 17, Parcel 1010, 2nd Section, Marietta, Cobb County, Georgia and being known as 598 W. Atlanta Street from NRC (Neighborhood Retail Commercial) to OS (Office Services). Ward 3.

Public Hearing held during the Consent Agenda.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* 20130576

CA2013-09 Amendment to the Comprehensive Development Code of the City of Marietta regarding brew pubs, breweries, distilleries and wineries

[Ord 7671](#)

CA2013-09 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 708.15 Neighborhood Retail Commercial (NRC), Division 708.16 Community Retail Commercial (CRC), Division 708.17 Regional Retail Commercial (RRC), Division 708.18 Central Business District (CBD), Division 708.26 Light Industrial (LI), Division 708.27 Heavy Industrial (HI), Division 712.01 Special Land Use Permits (SLUP) and Division 724.02 Definitions of Terms, regarding brew pubs, breweries, distilleries and wineries.

Public Hearing held during the Consent Agenda.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 1 - 0

Approved

Voting Against: Anthony Coleman

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* 20130801

Denial of Claim

Denial of claim of Jason Arias.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

*** 20130873 Denial of Claim**

Denial of the claim of Jason Smith.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

*** 20130874 Denial of Claim**

Denial of the claim of Lesa Hernandez.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

*** 20130789 Section Eight Management Assessment Program (SEMAP) FY2013 Certification**

Approval of a Resolution authorizing the acceptance of the Section Eight Management Assessment Program (SEMAP) certification for FY 2013.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

*** 20130790 Franklin Gateway Tax Allocation District**

Approval of a Resolution to dissolve the Franklin Gateway TAD, with the funds being allocated to a special account to be used for the Franklin Road area.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

2. Finance/Investment: Annette Lewis, Chairperson**3. Judicial/Legislative: Philip M. Goldstein, Chairperson****20130483 Setback for Commercial Property**

Motion to authorize advertisement of the Comprehensive Development Code of the City of Marietta, Division 708.16 CRC, Community Retail Commercial, Paragraph H, Bulk and Area Regulations; Division 708.17 RRC, Regional Retail Commercial, Paragraph H, Bulk and Area Regulations; Division 708.23 OI, Office Institutional, Paragraph H, Bulk and Area Regulations; Division 708.26 LI, Light Industrial, Paragraph H, Bulk and Area Regulations; and Division 708.27 HI, Heavy Industrial, Paragraph H, Bulk and Area Regulations.

Development Services Director Brian Binzer presented information regarding the proposed amendments the Comprehensive Development Code regarding setbacks for Commercial Property.

Discussion was held by Council.

A motion was made by Council member Chalfant, seconded by Council member Goldstein, that this matter be approved to authorize advertisement.

A substitute motion was made by Council member Sinclair, seconded by Council member Coleman, that this matter be Denied. The motion carried by the following vote:

Vote: 5 - 2 - 0

Denied

Voting Against: Grif Chalfant and Philip M. Goldstein

20130697 Kennesaw Avenue Historic District**[Ord 7674](#)**

Approval of an Ordinance designating a portion of Kennesaw Avenue as a Historic District.

Brian Binzer, Development Services Director, summarized the steps taken in designating a portion of Kennesaw Avenue as a Historic District. Mr. Binzer mentioned that the Historic Preservation Commission has recommended approval of the historic district and that this public hearing was the last step in the process.

The public hearing was opened.

Chris Brown, with the Cobb Landmarks and Historical Society, spoke in favor of the of the designation.

Meg Hartin, whose home is included in the proposed historic district, requested to "opt out" of the historic district.

Nancy Steele, whose home is also included in the proposed historic district, spoke in favor of the designation.

The public hearing was closed and discussion held by Council.

A motion was made by Council member King, and Council member Sinclair, to approve the Ordinance designating a portion of Kennesaw Avenue as a Historic District, as presented.

A substitute motion was made by Council member Goldstein, seconded by Council member Lewis, to approve the Ordinance designating a portion of Kennesaw Avenue as a Historic District, with the exception of 288 and 298 Kennesaw Avenue. The motion failed by the following vote:

Vote: 2 - 4 - 0 Failed

*Voting Against: Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris and Jim King
Absent for the vote: Anthony Coleman*

Further discussion was held.

Mrs. Hartin stated that her request to "opt out" was not an attempt to stop the designation of the historic district. She simply wanted to make her wishes known.

Mayor Tumlin called for a vote on the original motion.

The motion was made by Council member King, and Council member Sinclair, to approve the Ordinance designating a portion of Kennesaw Avenue as a Historic District, as presented. The motion carried by the following vote:

Vote: 5 - 1 - 0 Approved

**Voting Against: Philip M. Goldstein
Absent for the vote: Anthony Coleman**

*** 20130766**

Special Election Contract

Motion to approve a contract between the City of Marietta and the Cobb County Board of Elections and Registration in order to carry out the special election to be called and held in conjunction with the Municipal General Election on November 5, 2013 in order to authorize issuance of general obligation bonds for the purpose of funding improvements along Franklin Road and other locations.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

*** 20130784**

Administrative Variance Procedure

Motion to authorize advertisement of the Comprehensive Development Code of the City of Marietta, Division 718, Administration and Enforcement.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved for Advertisement

*** 20130791 Precinct Boundary Amendment**

Motion to approve proposed changes to the precinct boundary for Marietta 5A and 5B to coincide with the change adopted by the Cobb County Board of Election and Registration in an effort to more evenly distribute the ballot combinations in each precinct and reduce cost of administration.

Public Hearing held during the Consent Agenda.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

*** 20130331 Digital Billboards**

Motion to authorize advertisement of an amendment to the Comprehensive Development Code of the City of Marietta, Division 714.04, Signs, Section 714.04(F), General Advertising and Off-Premises Signs.

This Matter was Approved on the Consent Agenda.

Vote: 6 – 1 – 0

Approved for Advertisement

Voting Against: Philip M. Goldstein

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

*** 20130775 Laurel Park Tennis Court Resurfacing**

Motion authorizing the expenditure of funds not to exceed \$15,000 from the 2009 Parks Bond in the category: Improvements to Existing Parks - specifically the line item for Laurel Park, to resurface and repair as needed five tennis courts at the Laurel Park Tennis Center.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

*** 20130809 Lewis Park Off-Leash area and Playground Improvement Funding**

Motion approving the funding for improvements to the Lewis Park off-leash and playground areas not to exceed \$26,600 from the 2009 Parks Bond from the category "Improvements to Existing Parks" - specifically the line item for Lewis Park.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

20130808

Lawrence Street Recreation Center Renovation

Motion approving the proposed Lawrence Street Recreation Center renovation in an amount not to exceed \$1,158,423 with construction funding from the 2009 Parks Bond - specifically the line items in the parks improvement and design services.

Discussion was held regarding the proposed renovations to the Lawrence Street Recreation Center. Residents of the area have expressed concern regarding the lack of a water feature or skate park. Council has considered several options for the Lawrence Street Recreation Center and there was general agreement to move forward with the concept plan as presented.

A motion was made by Council member Sinclair, seconded by Council member Lewis, that this matter be Approved. The motion carried by the following vote:

Vote: 5 - 0 - 1

Approved

Abstaining: Philip M. Goldstein

Absent for the vote: Anthony Coleman

5. Personnel/Insurance: G. A. (Andy) Morris, Chairperson

20130802

Property Casualty/Miscellaneous Coverage

Approval of the property casualty and other miscellaneous coverage, premiums and companies utilized for the policy period of August 15, 2013 to August 14, 2014.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

20130796

Lemon Street Two Way

Motion authorizing Public works to remove all related one-way signs, from Lemon Street between Cole Street and Rigby Street and convert the intersection of Lemon Street with Cole Street to an all way stop.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

6. Public Safety Committee: Anthony Coleman, Chairperson**7. Public Works Committee: Jim King, Chairperson***** 20130798 Philips Drive No Parking Zone**

Motion to approve installation of “No Parking” signs along the frontage of 376 and 379 Phillips Drive.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

*** 20130799 Canton Road Closure**

Motion to approve road closure of the Canton Road bridge by C. W. Matthews Contracting Company for a maximum of 30 days for construction of future bridge.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

*** 20130797 Sibley Street On-Street Parking**

Motion to install on-street parking on the west side of Sibley Street with restriction for no parking from 11:00PM to 6:00AM.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

APPEARANCES:**OTHER BUSINESS:***** 20130800 Radar Speed Signs**

Motion authorizing Public Works to purchase 20 radar speed signs.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20130877 24 Alexander Street, 25 Alexander Street and 274 Washington Avenue**

Motion authorizing acquisition of the property at 24 Alexander Street, 25 Alexander Street, and 274 Washington Avenue from David E. Miller, Jr. and Marietta Development, LLC for the purpose of constructing the Alexander Street Improvements - Roswell to Washington in exchange for \$79,400.00 and is inclusive of site improvements.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20130878 426 N. Sessions Street**

Motion authorizing acceptance of the donation of the necessary property and easements at 426 N. Sessions Street from the Board of Lights and Water Works of the City of Marietta for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20130879 1100 S. Marietta Parkway**

Motion authorizing the acceptance of the donation of the necessary easements at 1100 S. Marietta Parkway from Regents of the University System of Georgia for the purpose of constructing the South Marietta Pkwy Sidewalk Project.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0 Approved

* **20130853 State Properties Commission Revocable License Agreement**

Motion to approve the Revocable License Agreement with the State Properties Commission for the construction of the Kennesaw Mountain to Chattahoochee River Trail, Intown and North Sections.

Council member Goldstein disclosed that he and/or an entity(s) that he owns, owns property(s) on Waverly Way (along the railroad) and leases and/or owns other property between Whitlock Avenue and West Anderson Street that may possibly be part of the proposed project.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 – 1 Approved
Abstaining: Philip M. Goldstein

20130849 Amendment to Rules of Procedure of Council 1-4-040-D

Motion approving an amendment to the Rules of Procedure of Council 1-4-040-D to delete item 16 Appearances and renumber the other items.

First Reading*** 20130866 Suspension of Rules**

Consideration of a motion to suspend the rules in order to remove or take no action on the agenda item "Appearances" being D 17 of 1-4-40 of Code of Ordinances as authorized in introductory sentence of D (Order of Business. "The business of all regular meetings of the council should be transacted in the following order, unless the council by a vote of a majority of the members present, shall suspend the rules and change the order of business) and 1-4-40 S.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

20130865 Council Gatherings

Motion to amend code section 1-4-040 Rules and Procedures of Council, (W. Council Gatherings) to read as follows:

w. Council Gatherings. The city manager is hereby directed to post notices in conformity with the Georgia Open Meetings law regarding informal gatherings following council events from time to time as needed. ~~following city council meetings whereby a quorum of the mayor and city council may gather for a meal. Such notice shall state that the purpose of the gathering is for informal discussion and socializing. No voting may occur at any such gathering and no official action may be taken at any such gathering. The city council person designated for the invocation for the specific month shall designate a restaurant within the city limits of the City of Marietta and, in default thereof, the city manager shall designate the Marietta Diner located at 306 Cobb Parkway South, Marietta, Georgia. In addition, at the committee of the whole meeting prior to the regular monthly city council meeting, a majority of the city council shall be authorized to designate a different restaurant and in such case that will be the location posted.~~

First Reading*** 20130875 MEAG Power Excess Base Sale Option/ Vogtle 1 and 2**

Motion to complete the Non-Binding Interest Survey pertaining to the MEAG Power Excess Base Sale Option-Vogtle 1 and 2 at a 20 MW level.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

* **20130822**

BLW Actions of the August 12, 2013

Review and approval of the August 12, 2013 actions and minutes of the Marietta Board of Lights and Water.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 – 0

Approved

UNSCHEDULED APPEARANCES:

ADJOURNMENT:

The meeting was adjourned at 9:27 p.m.

Date Approved: September 11, 2013

R. Steve Tumlin, Mayor Tumlin

Attest: _____
Stephanie Guy, City Clerk